

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAFE HAVEN HOME CARE, INC. *et al.*,

Plaintiffs,

-v-

UNITED STATES DEPARTMENT OF HEALTH AND  
HUMAN SERVICES *et al.*,

Defendants.  
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22 Civ. 2267 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On July 10, 2023, the Court, *inter alia*, granted the motion to dismiss filed by Defendants New York State Department of Health, James V. McDonald in his official capacity as Commissioner of Health, and Amir Bassiri in his official capacity as State Medicaid Director (collectively, the “State Defendants”). Dkt. 85. In doing so, the Court also granted Plaintiffs leave to file a second amended complaint as to the State Defendants. *Id.* at 42-43. The Court ordered Plaintiffs to file any such amended complaint within thirty days of the Court’s Opinion and Order, and further ordered that if Plaintiffs failed to file a second amended complaint within that period and did not show good cause to excuse the failure to do so, the Court would dismiss Plaintiffs’ claims against the State Defendants with prejudice. On August 31, 2023, the Court ordered Plaintiffs to advise the Court by September 7, 2023, whether they intended to file an amended complaint. Dkt. 86.

On September 5, 2023, Plaintiffs notified the Court that they do not intend to file an amended complaint. Dkt. 87. Accordingly, Plaintiffs’ claims against the State Defendants are dismissed with prejudice. As the Court’s July 10, 2023, Order granted summary judgment in favor of the other Defendants for the claims against those Defendants— the United States Department

of Health and Human Services (“HHS”), Xavier Becerra in his official capacity as HHS Secretary, the United States Centers for Medicare and Medicaid Services, and Chiquita Brooks-Lasure in her official capacity as CMS Administrator, *see* Dkt. 85—the Clerk of Court is respectfully directed to enter judgment in favor of Defendants and close this case.

SO ORDERED.

Dated: September 6, 2023  
New York, New York

  
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JOHN P. CRONAN  
United States District Judge